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October 23, 2024

VIA E-FILE

Hon. Analisa Torres
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: Baring Industries Inc. v. Jared Rosen and Michael Noonan
Docket No.: 24-cv-05606

Dear Judge Torres:

Winget, Spadafora & Schwartzberg, LLP, represents Defendants Jared Rosen and Michael Noonan ("Defendants") in connection with the above-referenced matter. Defendants write regarding the Court's September 9, 2024, Order requiring Defendants and Plaintiff Baring Industries, Inc. ("Plaintiff") to submit a joint letter and proposed case management plan by this Friday, October 25, 2024. *See* ECF Doc. # 14. On October 18, 2024, in accordance with Your Honor's Individual Practices, Defendants transmitted to Plaintiff their first pre-motion letter setting forth the basis for their intended pre-answer motion to dismiss Plaintiff's Complaint, pursuant to F.R.C.P. 12(b), contending that Plaintiff has failed to name a non-diverse necessary and indispensable party and that, as a result, the Court lacks subject matter jurisdiction over this matter. Pursuant to Your Honor's Individual Practices, Defendants' transmittal of such pre-motion letter stayed Defendants' deadline to answer or move to dismiss the Complaint until further order of the Court.

In light of Defendants' transmittal of the aforementioned pre-motion letter, Defendants request an adjournment of the parties' deadline to submit a joint letter and proposed case management plan. It is respectfully submitted that setting discovery deadlines is premature at this stage and could be a waste of party and judicial resources. As such, Defendants respectfully request that this Court adjourn the deadline to submit a joint letter and a proposed case management plan until further order of the Court.

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Defendants note that one (1) prior extension of this deadline was granted, when Defendants previously filed a letter requesting approval of an extension of time for Defendants to answer, move, or otherwise respond to the Complaint. *See* ECF Doc. #13. Defendants sought the consent of Plaintiff's counsel to the instant adjournment request prior to filing this letter but have not yet received a response to our request.

We thank Your Honor for your attention to this matter.


Respectfully submitted,

/s/ Harris B. Katz
Harris B. Katz, Esq. (HK – 1000)

DENIED. By **November 7, 2024**, the parties shall submit their joint letter and case management plan.

SO ORDERED.

Dated: October 24, 2024
New York, New York



ANALISA TORRES
United States District Judge